

REMARKS

A final Office Action was mailed on February 12, 2007. In response to the final Office Action, Applicants timely file this Preliminary Amendment together with a Request for Continued Examination.

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1-23 are currently pending.

Claims 6-11 and 14-21 were previously withdrawn from further consideration.

Claims 5, 13, 22 and 23 are canceled without prejudice or disclaimer.

Claims 1, 3, 4 and 12 are amended without the introduction of new matter. Support is found in, for example, the Specification at page 25, lines 12 through page 27, line 8, with reference to FIG. 4.

II. Rejections under 35 U.S.C. § 103

Claims 1-5, 12, 13, 22 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kameo et al. (EP 0 88 791, herein "Kameo"). As claims 5, 13, 22 and 23 have been canceled without prejudice or disclaimer, Applicants submit that the rejections as to claims 5, 13, 22 and 23 are moot. Applicants amend claims 1, 3, 4 and 12 to further clarify the nature of their invention, and respectfully traverse the rejections as to claims 1 - 4 and 12.

In amended independent claim, Applicants claim:

1. An interlabial pad comprising:

an absorbent; and

a cover body for covering the absorbent body in an enclosing manner,

wherein the interlabial pad has an elongated shape and a substantially elliptical cross section, and

wherein the absorbent body includes a fiber aggregate in which the fibers are oriented in random directions, the fiber aggregate including:

a first fiber aggregate located on an upper side of the interlabial pad in a vertical direction when the interlabial pad is worn by a wearer,

a second fiber aggregate located on a lower side of the first fiber aggregate, and

a third fiber aggregate located on a lower side of the second fiber aggregate and on a lower side of the interlabial pad,

wherein the first fiber aggregate is simply layered on the second fiber aggregate and the second fiber aggregate is simply layered on the third fiber aggregate, without additional agents being applied therebetween for bonding the layers,

wherein an average fiber length in each of the first fiber aggregate and the second fiber aggregate is between 25 mm and 50 mm, and an average fiber length in the second fiber aggregate is between 3 mm and 6 mm,

wherein spaces between fibers in the first fiber aggregate and the third fiber aggregate are more flexibly varied than spaces between fibers in the second aggregate layer, and

wherein the fiber aggregate has a flexural rigidity, measurable as a Gurley bending resistance ranging from 25 mg to 130 mg; and a ratio of flexural rigidities in two mutually orthogonal directions ranging between 0.5 and 2.0

Kameo discloses an absorbent article including a top sheet 2, a back sheet 3, and absorbent body 4 having an absorbent member 6 and an elastic member 7 (see, e.g., FIG. 2 of Kameo). In sharp contrast to Applicants' invention as claimed in amended independent claim 1, the absorbent article of Kameo has a substantially rectangular cross-section rather than a substantially elliptical cross section

(compare, e.g., FIG. 2 of Kameo with Applicants' FIG. 4). In addition, because absorbent member 6 and elastic member 7 of Kameo are joined together by "uniting means" including one or more of an adhesive layer between the absorbent member 6 and elastic member 7, or by a "groove-making pressing" of the two layers, Kameo fails to teach or suggest Applicants' claim element specifying that "the first fiber aggregate is simply layered on the second fiber aggregate and the second fiber aggregate is simply layered on the third fiber aggregate, without additional agents being applied therebetween for bonding the layers."

Kameo also fails to teach or suggest that the fiber aggregate includes a first fiber aggregate located on an upper side of the interlabial pad in a vertical direction when the interlabial pad is worn by a wearer, having an average fiber length of between 25 mm and 50 mm, a second fiber aggregate located on a lower side of the interlabial pad, having an average fiber length of between 3 mm and 6 mm, and a third fiber aggregate located on a lower side of the second fiber aggregate layer, having an average fiber length of between 25 mm and 50 mm. Significantly, this configuration in use provides high tensile elongation (i.e., high flexibility) regions of the interlabial pad in proximity to the vestibular floor of the wearer, and in proximity to and protruding from the labia of the wearer (see, e.g., page 25, line 18 through page 26, line 4 of Applicants' specification). As a result, the claimed interlabial pad is able to conform to the vestibular floor of the wearer and provide cushioning in the region protruding from the labia, so that the interlabial pad does not readily fall out of position with the movement of the wearer. The absorbent article of Kameo, which is not configured as an interlabial device, does not teach the configuration claimed for Applicants' interlabial pad, or otherwise provide the benefits resulting from Applicants' claimed configuration.

Accordingly, Applicants respectfully submit that the interlabial pad claimed by amended

independent claim 1 is not obvious in view of Kameo, and stands in condition for allowance. As claims 2 - 4 and 12 each depend from allowable claim 1, Applicants further submit that dependent claims 2 - 4 and 12 are also allowable for at least this reason.

Therefore, Applicants respectfully request the withdrawal of the rejection of claims 1-4 and 12 under 35 U.S.C. §103(a).

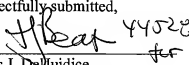
CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: May 14, 2007

Respectfully submitted,

By  44528
Louis J. Delluidice

Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant